

## REMARKS

In the Office Action dated October 18, 2005, claims 1-4, 6-19, and 21-26 are pending. Claims 1, 12, 23 and 24 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,941,807 issued to Cassidy et al. (hereinafter the Cassidy patent). Claim 2 is rejected under 35 U.S.C. § 103(a) as obvious over the Cassidy patent in view of U.S. Patent No. 4,290,601 issued to Mittelstadt (hereinafter the Mittelstadt patent). Claims 6-7 and 21-22 stand rejected under 35 U.S.C. § 103(a) as obvious over the Cassidy patent in view of U.S. Patent No. 5,518,476 issued to McLeon (hereinafter the McLeon patent). Claims 25-26 stand rejected under 35 U.S.C. § 103(a) as obvious over the Cassidy patent in view of U.S. Patent Application No. 2003/0199374 filed by Perry (hereinafter the Perry patent).

Applicants appreciate the indication that claims 8-11 and 13-19 would be allowable if rewritten in independent form. Nevertheless, Applicants respectfully request that the Examiner reconsider the standing rejections in light of the following comments.

### **35 U.S.C. § 102(b) Rejection:**

Claims 1, 12, 23 and 24 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,941,807 issued to Cassidy et al. (hereinafter the Cassidy patent). Applicants respectfully traverse this rejection and request further clarification regarding the rejection.

In the previous Office Action dated January 4, 2005, and in response to the Examiner's Section 102(b) rejections of claims 1, 12, and 23-24 based upon the Cassidy patent, Applicants argued that the Cassidy platform is not "rotatably tiltably connected" to its base as claimed by Applicants. Those comments were directly related to the 102(b) rejection of claims 1, 12, and 23-24 and specific discussion on the record is respectfully requested by the Examiner in order to

promote the further prosecution of this case. As such, the Examiner's statement that Applicants' arguments with respect to the claims were considered but are moot in light of the pending rejection is unclear and clarification is respectfully requested.

For the Examiner's convenience, Applicants reiterate the previous comments below and request that the Examiner consider these comments in reconsidering the outstanding rejections.

**The Cassidy Patent:**

Claims 1, 12, and 23-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,941,807 issued to Cassidy et al. (hereinafter the Cassidy patent). Applicants respectfully traverse this rejection.

The issue regarding all rejections, and specifically the 102 rejections based upon the Cassidy patent, deal directly with what does "rotatably tiltable" mean? Applicants understand the Examiner's arguments and agree that Cassidy includes a platform that is rotatable (rotatable about shaft 84) and tiltable (tiltable about pin 92). However, Applicants are not attempting to claim a platform that is both tiltable and rotatable as mutually exclusive operations. Applicants admit that the English language is a limitation in this particular case. A specific and complex motion is claimed by the phrase rotatably tiltable. To the extent that the following example helps the Examiner appreciate that motion, Applicants respectfully request that the Examiner consider the following comments. Should the Examiner believe that such motion is not accurately reflected in the phrase "rotatably tiltable connected", Applicants respectfully request that the Examiner contact undersigned counsel to discuss any suggestions to improve the clarity of this phrase.

Applicants' platform is obviously prevented from rotating 360 degrees about a horizontal axis because the platform interferes with the base. Therefore, this limited rotation of the platform about the horizontal axis is defined as tilt. Further, this tilt can occur not only along a single horizontal axis but also along an entire plane. Therefore, the platform's tilting motion can be translated from one position to another along that plane for continuous motion. Thus, because the platform's tilting action can be translated from one position to another about a 360 degree vertical axis, such motion of the platform is defined by Applicants as being rotatably tiltable, i.e. wherein the tilt can be rotated for continuous motion about 360 degrees. Therefore the platform is described in the claims as rotatably tiltable for continuous motion.

However, such platform motion is not possible in the Cassidy patent. While Cassidy's platform 80 rotates about an axis 84, the platform is only tiltable in one direction...between an elevated position shown in FIG. 4 and a flat position shown in FIG. 3. While the single, fixed tilt axis can be manually rotated about a vertical axis to a single, set position as described in Column 4, lines 46-55, such action is not continuous in motion. Therefore, because the rotating Cassidy platform can only pivot in one direction, Applicants contend that the phrase that would best describe Cassidy's platform motion would be tiltably rotatable non-continuous motion.

Therefore, it is Applicants' contention that the Cassidy patent does not disclose the invention as claimed by Applicants and therefore all Section 102 rejections based upon the Cassidy patent should be withdrawn and the claims indicated as allowable.

### **35 U.S.C. § 103(a) Rejection:**

Because each Section 103 rejection utilizes the Cassidy patent as the primary reference, each Section 103 rejection likewise appears untenable based upon the above arguments.

Therefore, reconsideration of the Section 103 rejections is respectfully requested in light of the above comments.

As such, Applicants respectfully request that the Examiner withdraw all outstanding rejections in light of the above comments. Applicants acknowledge the difficulties in attempting to precisely describe Applicants' platform motion. As such, Applicants would appreciate any comments or suggestions on the record that the Examiner may suggest in attempting to describe this feature that is clearly distinguishable from the Cassidy patent. To the extent that the Examiner disagrees with the above comments or should the Examiner have any questions pertaining to the above, undersigned Counsel would welcome a phone call to discuss this matter in greater detail.

Based upon the above, Applicants respectfully submit that the application is in condition for allowance.

Respectfully submitted,



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